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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,010	06/27/2000	Marzio Pozzuoli	57761.000031	3952

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

12

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/605,010

Applicant(s)

POZZUOLI ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: IDS (dated 10/8/03), Amendment B (dated 2/17/04).
2. Claims 1-22 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA] and O'Sullivan – "SNMP interface to the x10 world" – 12/1997.
5. Regarding claims 1 and 17, AAPA teaches a protective relay for providing protective control to a power system comprising:
  - a microprocessor for implementing a data flow in a communications server in the protective relay [application's specification, p. 1, lines 5-6];
  - first and second connections to a communication network and the power system, respectively [application's specification, p. 1, lines 4-7];
  - the communication server configured to receive relay configuration commands from a remote computer over the communications network, and to provide power system data and relay status data to the remote computer over the communications network [Fig. 1; application's specification, p. 3, line 24 to p. 4, line 14].

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AAPA teaches the communication server communicates with remote computer over a communications network using a product-specific software, therefore, the communications capability of the protective relay is limited. One of ordinary skill in the art would recognize that the flexibility of AAPA's device would increase if the device can support standard web browser software. More specifically, AAPA does not teach the communication server communicates with remote computer over Internet.

O'Sullivan teaches at least one device is communicated with a computer over Internet [paragraphs 7-8]. The communication between the computer and the at least one device is for controlling the power of the device [paragraph 4].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and O'Sullivan because they both teach the controlling of the power of the device over network. O'Sullivan's teaching of controlling the device over Internet it would increase the flexibility of AAPA's device by allowing the device easily communicates with remote computer over an Internet.

6. Regarding claims 2-13 and 18-22, claims 2-13 and 18-22 are directed to apparatuses implementing the protective relay IED of claims 1 and 17. As stated above, AAPA and O'Sullivan teach the invention substantially as set forth in claims 1 and 17. At the time of the invention, one of ordinary skill in the art would have readily recognized that AAPA and O'Sullivan may also teach the implementations of claims 1 and 17 as set forth in claims 2-13 and 18-22. As such, claims 2-13 and 18-22 are rejected under same rationale with respect to claims 1 and 17.

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7. Regarding claims 14-16, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du  
April 23, 2004